

### **REMARKS**

Claims 1-20 are currently pending in the application. Claims 1-20 are rejected. The Examiner's objections and rejection are addressed below.

#### **35 USC §101 Rejection**

Claims 1-20 are rejected under 35 U.S.C. 101 as directed to a non-statutory subject matter. Specifically, the Examiner argues that the claimed invention has no practical application and does not produce a tangible result. *See* Final Office Action, p. 2. The Applicants assert that the pending claims are compliant with section 101 for reasons presented below.

As described in the patent application, one or more embodiments of the present invention are directed to a method and apparatus for collecting user feedback from search queries, and this feedback can then be used to update a database to improve future search inquiries. *See, e.g.*, Patent Application, p. 9, lines 13-18. Indeed, the practical application and the resulting tangible result(s) described in the exemplary embodiments of the patent application are reflected in the pending claims. Consider claim 1, for example. Claim 1, in part, calls for receiving information associated with a monitored user action, and adjusting an entry of a database based on the received information. By virtue of updating the database with useful user feedback, a tangible result (*e.g.*, an updated database) is thereby achieved. The practical application of having an updated database is that subsequent search inquiries will yield improved and more helpful results. *See, e.g.*, Patent Application, p. 9, lines 13-15 (stating that “more meaningful (or relevant) results are returned for each query” from an updated database). Thus, claim 1 has a practical application and also provides tangible results. The other pending claims similarly have practical applications and produce tangible results. Consequently, all of the pending claims

are directed to statutory subject matter. The Examiner is therefore respectfully requested to withdraw the 35 USC §101 rejection.

The Examiner requests the Applicants to provide for each claim limitation (of every claim) the practical application and useful result. *See* Final Office Action, p. 3. The Examiner's request is unclear to the Applicants. To the extent the Examiner is requesting the Applicants to provide the practical application/result for each "claim," the Applicants have properly addressed the Examiner's request in the above paragraph. To the extent the Examiner is requesting that a practical application/result be provided for each "claim limitation" of every claim, the Examiner's request is confusing at best, given that section 101 applies to whether the claim as a whole (and not each individual claim limitation of that claim) is directed to statutory subject matter. As noted above, each pending claim in the present patent application has a practical application and useful result.

### **35 USC §102 Rejection**

The patent application has three independent claims, claims 1, 8, and 14, and the Examiner has rejected all three claims under 35 U.S.C. 102(e) as being anticipated by *Reisman* (U.S. Patent No. 6,954,755). The Applicants respectfully disagree.

One or more embodiments of the present invention are directed to providing an efficient way of updating a database such that the more meaningful (or relevant) results are returned for search queries. *See* Patent Application, p. 9, lines 13-15. As explained in the Background Section, conventional methods of updating databases are generally inadequate because of the limited range of information that is collected through static algorithms to improve, or even optimize, the data that is stored in the databases. *See* Patent Application, p. 3, lines 14-21. To address this deficiency, the patent application describes the use of a feedback module to

effectively collect information from a user performing search queries to update the database. In particular, a copy of the feedback module is provided to the user's computer for execution to monitor the user's online activities. By actively monitoring the user's activities, a more thorough and comprehensive set of data can be collected. The information collected can then be utilized to update the database. Against this general backdrop, the claims are discussed next.

Claim 1 is representative, and is discussed first. Among other things, claim 1 calls for providing a copy of a feedback module for execution on a processor-based device of the user to monitor at least one online action of the user. Thus, this claim element calls for providing (1) a copy of the feedback module to the user's device, where that feedback module is provided for (2) execution on the user's device (3) to monitor the user's online action. *Reisman* does not teach at least this feature, and the Examiner has failed to identify with any meaningful level of specificity a "feedback module," a copy of which is provided or transmitted to the user's device, where that module monitors the user's online action upon execution.

The Examiner erroneously argues that step s80 of Figure 2 of *Reisman* discloses providing a copy of the feedback module as called for by claim 1. *Reisman* describes that at step s80, "link selections, and other feedback, such as user responses to inquiries, are monitored." *Reisman*, 9:18-20. The Applicants note that while *Reisman* describes "monitoring" link selections and users responses in step s80, it is conspicuously silent about providing a copy of a feedback module to the user's device (where it executes to monitor the user's online action). The link selections and user response in *Reisman* are monitored by the processing/learning component 101 (which is on the server side), and not by any (transmitted) feedback module on the user device. Thus, notwithstanding the Examiner's argument to the contrary, *Reisman* simply fails to at least teach the claimed feature of providing a copy of a feedback module for

execution on a processor-based device of the user to monitor at least one online action of the user. For at least this reason, claim 1 and its dependent claims are allowable. Moreover, the other pending claims are also allowable for at least this reason.

Arguments with respect to other dependent claims have been noted. However, in view of the aforementioned arguments, these arguments are moot and, therefore, not specifically addressed. To the extent that characterizations of the prior art references or Applicants' claimed subject matter are not specifically addressed, it is to be understood that Applicants do not acquiesce to such characterization.

Applicants respectfully assert that in light of the amendments and arguments provided throughout the prosecution of the present application, all claims of the present application are now allowable and, therefore, request that a Notice of Allowance be issued. Reconsideration of the present application is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4064 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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